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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-205522

DATE: December 1, 1981

MATTER OF: Aviation Enterprises Inc.

DIGEST:

Whether bidder is regular dealer or manufacturer under Walsh-Healey Act is for determination by contracting agency subject to final review by Small Business Administration and Department of Labor and, thus, will not be considered by GAO.

Aviation Enterprises Inc. (Aviation) protests the award of a contract to Huff Leasing Company under solicitation No. F26600-82-R-0022 issued by the Department of the Air Force.

Aviation contends that Huff Leasing Company is neither a regular dealer nor a manufacturer as defined in the Walsh-Healey Act, 41 U.S.C. §§ 35-45 (1976), and, therefore, is ineligible for award of a contract.

Our Office does not consider issues as to whether a bidder is a regular dealer or manufacturer within the meaning of the Walsh-Healey Act, since such matters are by law for the contracting agency's determination, subject to final review by the Small Business Administration, where the bidder is a small business, and the Department of Labor. Bradford Dyeing Association, Inc., B-202241, March 6, 1981, 81-1 CPD 182.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel